I’d like to begin by thanking IPPNW-- for organizing this event and for inviting me to speak in the name of the Arias Foundation for Peace and Human Progress. It is encouraging to see the continuing commitment of the medical and public health communities to this issue. As has been noted many times here today, and as is recognized in the recent UN Programme of Action, the active engagement of as broad a range of possible of actors – public health, human rights, humanitarian, gun control, arms control, development etc. is absolutely crucial to making real, concrete progress in tackling the serious problems associated with the proliferation and misuse of weapons.

The first thing that I’d like to do is make clear exactly what I mean by this -- what does it mean to say that we have made progress on this issue? What is the yardstick by which we are to measure the relative success or failure of our efforts, be they here in the EU, in other regional or sub-regional fora, or at the international level?

The Arias Foundation for Peace and Human Progress and our friends and partners in the International Action Network on Small Arms believe that the only way to measure progress -- the only way -- is to ask ourselves, “have we made people safer?” This may seem like an facile or absurd observation, particularly when we are faced with a problem, the proliferation and misuse of weapons, and particularly small arms and light weapons, which is eminently, excruciatingly human. However, despite our efforts to bring forward the human dimensions of this problem, and the efforts of IANSA and of more forward-thinking governments, many of whom we are happy to see represented here today, to put people and their safety at the centre of this debate, this message was not acceptable to many at the recent UN Conference, which all too often privileged the dictates of sovereignty and narrowly defined national security over those of those of the health, rights and dignity of the human person.

We have just learned how difficult it is for a Ugandan doctor to understand that at the United Nations there was such an important distinction made between a child’s chest wound caused by a bullet acquired through the so-called licit trade, and that caused by a bullet acquired through the so-called illicit trade. For you in the public health community, a chest wound is a chest wound, and the distinction based on the administrative or legal status of the weapon used to cause it seems to me to be contrary to your fundamental concern for human health, and to your dedication to an ethic of prevention. I would venture to guess that from her perspective, this distinction is quite simply an obstacle to be overcome. I think everyone in this room can agree with that. I think everyone in this room would also agree that that ethic of prevention demands that if there was reason to believe that bullet might end up in the hands of that abuser, it never should have been transferred in the first place, by any means licit or illicit.

The idea that I would like to present to you today -- for a Framework Convention on International Arms Transfers – is simply the international legal codification of that ethic of prevention. It responds to the need to complement our efforts to combat and eradicate the illicit trade in weapons with a precise and applicable normative framework for state behavior in the international weapons market. The central aim of the convention is to provide a set of core, common minimum standards to regulate this behaviour, and a workable operative mechanism for the application and enforcement of these standards. These core common standards are based firmly on states existing responsibilities under international law. This is very important to understand: we are not proposing
here to impose a completely new normative framework on state behavior. What we are proposing is to take the existing framework, clarify it, give it the force of renewed commitment, and apply it consistently and effectively to the trade in weapons.

For all its considerable faults, the recent UN Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons does provide us a firm mandate to carry forward this work. As I imagine everyone in this room knows, and I think I can safely say thanks to the efforts of many in this room, Section II, Paragraph 11 of the Programme of Action reads partly as follows:

Member States undertake to...assess applications for export authorisations according to strict national regulations and procedures that cover all small arms and light weapons and are consistent with States’ existing responsibilities under relevant international law.

This is an important and encouraging step forward: an opportunity which needs to be seized, now. In the period of follow-up and implementation of the UN Programme of Action, it is incumbent upon the international community and the European Union to make this commitment real by addressing the three following questions:

Firstly, ‘What are these existing responsibilities?’
Secondly, ‘What is the relevant body of international law?’
And thirdly ‘How can this law be applied to the export of weapons.’

What I would like to do now is to propose some answers to these questions, answers that can hopefully serve to guide the work of the European Union as it works at the regional and international levels to implement this commitment. As I do so, I will equally be explaining to you central tenets of the Framework Convention on International Arms Transfers, because as the Arias Foundation embarked last year on the process of distilling the principles of the Peace Laureates Code of Conduct into a model of a binding international agreement, these are precisely the questions that we asked ourselves.

Some of the aspects of international law relevant in this situation are relatively clear and uncontroversial. Firstly, states have a responsibility to ensure that all arms sales are authorized. This is quite simply the requirement that states exercise control over the weapons that pass, by any means from their jurisdiction to another jurisdiction. It means that each agreement for the provision of weapons must be reviewed individually, and that each be scrutinized in light of other obligations under international law. It is the most basic, fundamental responsibility of all, and as such is the first provision of the proposed Framework Convention: contracting parties shall adopt and apply in accordance with their domestic laws and procedures a requirement that all international arms transfers be authorized.

Secondly, states have a responsibility to ensure that arms transfers do not violate their direct commitments under international law. This is equally the second group of limitations enshrined in the Framework Convention, again here generally accepted and relatively uncontroversial, this simply re-iterates a very clear existing responsibility not to authorize transfers:

of certain types of weapons which are prohibited under international humanitarian law because they are incapable of distinguishing between combatants and civilians or are of a nature to cause superfluous harm or injury;
arms transfers to a particular country, where the UN or other regional arrangement to which the state is a party has imposed a binding arms embargo.

These are the first two groupings of existing obligations under international law which form the first two groupings of limitations imposed by the Framework Convention. Obvious, perhaps, but
The third general grouping of existing responsibilities, and therefore the third grouping of limitations codified in the Framework Convention, is concerned with the use to which the transferred weapons are to be put. This is an area where international consensus is likely to be all the more difficult to achieve, and where the most spirited questioning of relevance and applicability is bound to arise. However, I don’t think the Ugandan doctor I mentioned would have any trouble defining which other aspects of international law are to be considered relevant in this context. I think she, who’s fundamental concern is with dealing with the consequences of this problem, would point to that body of law which is most directly aimed at keeping that bullet from entering the chest of that child. That is, human rights, humanitarian law, war crimes, crimes against humanity, and genocide. If there exists a clear risk that a proposed arms transfer could contribute to a serious violation of any of these, or be diverted towards those ends, that arms transfer must not go ahead. This, then, is the central operative and normative purpose of the proposed Framework Convention. That there be a core, common standard that at the very least, when widespread and serious abuses are occurring, there be a binding obligation to stop weapons transfers.

Ladies and Gentlemen in conclusion, the fundamental principle of this proposed convention is therefore very simple, and very clear. It’s a principle that is expressed to a substantial though imperfect degree in the very welcome EU Code of Conduct, and in the equally encouraging OSCE document on Small Arms. That principle is: no weapons for international crimes. What we are proposing to you today through this Framework Convention on International Arms Transfers is that, in the long run, this principle needs to be sharpened in its focus on linking weapons to abuses, strengthened in its basis in existing responsibilities under international law, broadened in the scope of its application to all exporters of weapons, and, above all, made reflective of the fact that non-provision of weapons for international crimes is not a guideline, not an area for special caution or something to be avoided, but is the international responsibility of all weapons exporters. This is the responsibility that the Arias Foundation and our partners have sought to codify in the Framework Convention on International Arms Transfers. And this is the responsibility that we propose to you today provides the soundest legal and political basis from which to work in the follow-up to the recent UN Conference.

We know that this is a serious challenge. We know that it is not going to happen overnight, and that there is important medium term work to be done in building national and regional systems of restraint. However, we know equally that, in the long run, if we do not succeed in establishing these core, common minimum standards in a workable and effective international legal framework, we may be bound to re-live the humanitarian crises that have been fueled and facilitated by perfectly legal, but woefully irresponsible weapons transfers. That means more Congos, more Guatemalas, more East Timors.

Our common concern for human rights and human well being, as well as our dedication to an ethic of prevention, demand that we work towards preventing these catastrophes. We want to continue to co-operate with the European Union and with European NGOs towards this end. We are convinced that the public health sector is uniquely positioned to advance this objective in the coming months and years. We ask that you look seriously at this idea, and ask yourselves what we can do, together, to make it a reality.

Thank you.